

**AGENDA FOR
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, SEPTEMBER 22, 2003
Immediately Following Director's Meeting
CONFERENCE ROOM 113**

I. MINUTES

1. Minutes from Director's Meeting of September 15, 2003.
2. Minutes from Council Members' "Noon" Meeting of September 15, 2003.
3. Pre-Council Meeting Minutes - RE: Community Health Endowment - September 8, 2003.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES

1. Public Building Committee Meeting (Camp/Cook)
2. Homeless Coalition Meeting (Newman)
3. Citizen's Meeting (Newman)
4. Board of Health Meeting (Svoboda)

OTHER MEETINGS REPORTS:

III. APPOINTMENTS/REAPPOINTMENTS - NONE

IV. REQUESTS OF COUNCIL FROM MAYOR - NONE

V. MEETINGS/INVITATIONS

1. E-Mail Invitation - Clinton Neighborhood 35th Anniversary pot luck picnic!! - You are invited to help us celebrate The Clinton Neighborhood Org's 35 year Anniversary - Pot Luck Picnic on Saturday, September 20, 2003 from Noon to 3:00 p.m. at Penzer Park. (See Invitation)
2. The Board of Directors of the Indian Center, Inc. cordially invites you to their Annual Dinner on Thursday, September 25, 2003 - 5:00 p.m. Social Hour - 6:00 p.m. Dinner — At Villager Motor Inn, Lincoln Room 5200 "O" Street – RSVP by September 19th to 438-5231. (See Invitation)

3. University of Nebraska Lincoln – You are cordially invited to participate in the Southeast Research and Extension Center Urban VIP Tour on Friday, September 26, 2003. The Tour is designed for University of Nebraska administrators and showcase Lincoln and Omaha urban extension programs. You are invited to get acquainted with these university officials and participate in the tour. Lancaster County Extension is hosting the morning portion of the Urban VIP Tour. We will meet at the Lancaster Extension Education Center, 444 Cherrycreek Road, Lincoln at 7:45 a.m. for coffee, rolls and juice. Following introductions, the Lincoln tour will get underway before a late morning departure to Omaha for lunch at the new Qwest Center and an afternoon tour. A card is enclosed for you to select your level of participation. RSVP by September 19th - 441-7180. (See Invitation)
4. Neighborhoods, Inc. - Please join us for our Annual Meeting and “Celebration of Neighborhoods” on Thursday, September 25, 2003 from 5:00 p.m. to 7:00 p.m. at the Lincoln Firefighters Reception Hall, 241 Victory Lane - (See Invitation)
5. Invitation from Lincoln-Lancaster Women’s Commission - You’re Invited! WomenLINC - Leading, Inspiring, Networking, Connecting A personal and professional networking event for women! – Kim Robak, Vice President for External Affairs & Corporation Secretary, University of Nebraska - on Thursday, October 16, 2003 from 4:00 p.m. to 6:00 p.m. - At The Lincoln Woman’s Club, 407 S. 14th Street - Program: 4:00 p.m., Open Networking – 4:30 p.m., Activity – 5:15 p.m., Speaker – RSVP by October 10th to 441-7716. (See Invitation)
6. Updowntowners Membership Luncheon on Thursday, September 25, 2003 from 11:45 a.m. to 1:00 p.m. at Old Chicago, 826 “P” Street - Cost is \$7.50 - RSVP to Heather at 434-6507 - No Shows will be charged \$7.50, RSVP’s cancellations must be made by September 23rd. (See Invitation)
7. You are cordially invited to attend NAACP Freedom Fund Banquet, 2003 (Theme) America: Is There Liberty and Justice for All - Dr. Dorothy Hayden-Watkins - on Saturday, November 1, 2003 - Social at 5:30 p.m. – Program at 6:00 p.m. - at the Cornhusker Hotel - \$30.00 per ticket - RSVP with ticket reservation form and payment by October 24th - Leola Bullock at 464-2476 or Leroy Stokes at 488-2100. (See Invitation)
8. Would like to invite you to the Lincoln Composite Squadron-Civil Air Patrol Fall Open House and Membership Night on Monday, October 20, 2003 starting at 6:30 p.m. at the Nebraska Air National Guard Base in Lincoln. We’ll begin the evening with a short briefing for potential members, and finish with questions & answers and refreshments, and plenty of time to find out more about CAP. Carol A. Marxsen, Major, Civil Air Patrol, Squadron Commander at 423-1098. (See Invitation)

9. Please join us The Lincoln Chamber of Commerce requests the honor of your presence at a reception on Thursday, October 9, 2003 from 4:00 p.m. to 5:30 p.m. to welcome Michael Holmes as the newly appointed Vice President of Operations for State Farm Insurance at Lincoln Chamber of Commerce, 1135 "M" Street, 3rd Floor - Please RSVP by October 6th to Tera Pugh at 436-2355 or E-Mail. (See Invitation)
10. E-Mail Invitation from Lori Seibel, Executive Director, Community Health Endowment of Lincoln - I wanted to send a personal note and ask you, your family, and friends to participate in an upcoming National Bone Marrow Drive. It will be held on Friday, September 26, 2003 from 11:00 a.m. to 4:00 p.m. at the Lied Center for Performing Arts, 12th & "P" Streets. (See Invitation)
11. Garner Industries - The celebration of our 50th Anniversary continues with an autumn afternoon of lively music and delicious barbeque. Please join us on Thursday, October 2, 2003 from 4:00 p.m. to 7:00 p.m. or so. We are hoping you will take the time to stop by and enjoy some great food, a light pilsner and perhaps a plant tour - 7201 North 98th Street - 434-9100. (See Invitation)
12. Invitation - Lincoln Public Schools - On Thursday, October 9, 2003 the Lincoln Community Learning Centers will be participating in the fourth annual national 'Lights On After School' event. We would like you to be part of Lincoln's Carnival of Lights: A Celebration of Life After School: on October 9th from 6:00 p.m. to 8:00 p.m. - Lancaster Building, State Fair Park - Our program will include words from the Mayor and Commissioner of Education. There will be performances, food and fun activities for all! Please RSVP to Community Learning Center office at 436-1966. (See Invitation)
13. E-Mail Invitation from Jon Carlson, NSNA Board - Please join us on Monday, October 6, 2003 at 6:30 p.m. for the Near South Neighborhood Association Annual Meeting and Potluck dinner. The meeting will be held at First Plymouth Congregational Church, 2000 "D" Street. (See Invitation)
14. President-Elect Bill Newstrom invites you to the REALTORS Association of Lincoln 84th Installation & Awards Banquet on Wednesday, October 8, 2003 - The Lodge at Wilderness Ridge, 1800 Wilderness Woods Place - 6:00 p.m., Hors d'oeuvres Buffet and Cocktail Reception - 7:00 p.m., Program - Please RSVP by September 30, 2003 at 441-3620. (See Invitation)
15. Your Invited to CEDARS Teen Court Open House - Join us in honor of National Teen Court Month on Monday, September 29, 2003 from 4:30 p.m. to 6:30 p.m. at 620 N. 48th Street, 3rd floor - (See Invitation)

16. The Lincoln Chamber of Commerce invites you to attend the following Ribbon Cutting: - Please RSVP to Tera Pugh at 436-2355 or E-Mail:
 - A.) OMALINK, Inc., 1311 "M" Street on Thursday, November 13, 2003 at 11:45 a.m.

VI. MISCELLANEOUS

1. Discussion of Superior St. sidewalk. (Requested by Ken Svoboda) (See Attachment) - **HELD OVER FROM THE SEPTEMBER 15TH "NOON" AGENDA.**

VII. CITY COUNCIL MEMBERS

VIII. ADJOURNMENT

MINUTES
CITY COUNCIL MEMBERS' "NOON" MEETING
MONDAY, SEPTEMBER 22, 2003
CONFERENCE ROOM 113

Council Members Present: Jon Camp, Chair; Terry Werner, Vice-Chair; Jonathan Cook, Glenn Friendt, Annette McRoy, Patte Newman, Ken Svoboda; *ABSENT:* None

Others Present: Mark Bowen, Ann Harrell, Corri Kielty, Mayor's Office; Dana Roper, City Attorney; Tammy Grammar, Council Staff; Darrell Podany, Aide to Council Members Camp, Friendt and Svoboda; Nate Jenkins, Lincoln *Journal Star* representative.

I MINUTES

1. Minutes from Director's Meeting of September 15, 2003.
2. Minutes from Council Members' "Noon" Meeting of September 15, 2003.
3. Pre-Council Meeting Minutes - RE: Community Health Endowment - September 8, 2003.

Chair Camp requested a motion to approve the above-listed minutes. Ken Svoboda moved to approve the minutes, as presented. The motion was seconded by Jonathan Cook and the minutes were approved, as presented, by general consensus of the Council.

II. COUNCIL REPORTS ON BOARDS, COMMITTEES, COMMISSIONS AND CONFERENCES -

1. PUBLIC BUILDING COMMISSION (Camp/Cook) Mr. Cook reported that the first item on the Agenda had been Health Department's expansion status; however, when Mr. Cook arrived, that item had been cancelled. The expansion discussion will be held at the next meeting. There was concern that only three Public Building Commissioners were in attendance, so they wanted to delay that presentation until it could be made to the full Commission. They had come up with one additional option, which Mr. Svoboda had suggested at the public meeting. The option was to go East. Mr. Cook explained that discussion brought forward a concern that that would make the building too long; but they came up with a plan of making three separate, individual buildings - two to the East, one to the North. They would be individual - connected together by walk-ways; but they could be built separately. The concern in that regard is that the cost of this is so large that maybe building incrementally is a better idea. Going East in this manner doesn't require buying a commercial building, so it would save \$10,000,000.00. This is roughly equivalent to the first Option A, which takes the homes, which is something the neighborhood doesn't want. Building East is a viable solution for us to be looking at.

Mr. Cook reported on the discussion regarding the Parking Garage Status - tunnel security was a main topic - lights, key pads, blue phone, and so on. The types of access restrictions were discussed as well. Mr. Cook noted that they may start out without restrictions, but may decide to put something in place later. One of the options: after 6:00 p.m., the tunnel might be locked unless you utilize the key pad to get into it.

The Parking Garage project has over-run on the time schedule. It was supposed to

be done, but now it won't be done until Mid-November. Even then, neither the elevator nor the landscaping will be done. We are looking at whether or not to assess some kind of penalties against the builder, because they really don't have an excuse for being out that long. Mr. Cook reported that Mr. Roper was looking into details on that, because apparently someone was doing sewer work that delayed the start of the project. Mr. Roper noted that he thought it had been Action Electric that was...[the cause of the delay]. Mr. Cook stated that they may have been held up just a little at the beginning, but only a little - not enough for this. We do need to look at all the factors in deciding if we want to assess [any penalties].

Mr. Cook reported that they had talked about property acquisition at 3101 "N" Street for \$143,000.00. But, now, we may not need to have this property. There is a lot of concern in the neighborhood about buying properties - especially if we don't actually need to use them...if we go with a different plan. We put off discussion of that until we have a full attendance at the Building Commission.

Mr. Cook reported that the PBC is still talking with the State. He noted that, hopefully, they will find someone to put back into the 233 Building on which the State had abruptly cancelled their contract. They've realized that we need to come to an agreement rather than having them cancelling out and having to deal with the fall-out from that.

The Senior Center Insurance payment was approved. The roof was damaged at the Senior Center downtown. Mr. Cook noted that that is probably all that is important to report on, except the new carpet squares for the 911 Center.

Mr. Svoboda wanted to express his concern on the safety issue with the tunnel. He noted that his wife had worked for the State for 23 years, and 10 of those years, she had a parking permit to park in the garage directly north of the capitol. Nearly every single day, especially in the winter time, there would be a homeless or a transient sleeping and using the tunnel as a home - restroom facilities and everything, in the hallways by the elevators. He noted that he would really rather to be able to lock that tunnel down after a certain hour of night for our employees so that they're not walking through a very long area in which they wouldn't be able to see who is at the other end, unless it's controlled by some kind of lock. Mr. Cook stated that they would take that information back to the PBC. They do plan to put key pads on to give them that flexibility of setting up hours to add to security. Mr. Cook reiterated that Mr. Roper was going to look into whether or not there should be any law regarding loitering in the tunnels like that. There is something for skywalks - perhaps that should just be extended, since we now have a tunnel system. This could be the first of many tunnels.

Ms. McRoy asked if there were key-pads installed, how would the public be able to access the tunnel? Mr. Cook noted that the key-pads would only be activated after office hours - and at night, so only authorized individuals would be able go through. Mr. McRoy asked about night meetings. Mr. Bowen noted that when the building is open, the tunnel would be open; when the building is locked, the tunnel would be locked. In answer to Mr. Werner's question, Mr. Cook noted that there are lights in the tunnel. They were just installed a couple of days ago.

Mr. Werner asked if the PBC was another governmental body that took advantage of the tax assessments - unlike the City Council? Mr. Cook answered that this is another governmental body that kept it's rate the same. However, as a result of that, the City and County will save money. Mr. Cook noted that the City and County have been subsidizing

the Public Building Commission for the repayment of their bonds because of the re-valuation...keeping the tax rate the same. They now take in enough extra money that that should cover the bonds, therefore, the City and County won't need to subsidize that repayment.

2. HOMELESS COALITION (Newman) No report.

3. CITIZEN'S MEETING (Newman) Ms. Newman reported that seventeen people had attended. Captain Srb came and talked about all sorts of police issues in Northeast Lincoln, including more than we ever wanted to know about Mataya's Babydolls.

4. BOARD OF HEALTH (Svoboda) Mr. Svoboda reported that they had held the public hearing as part of the Board of Health meeting on the smoking ban. We shouldn't call it a smoking ban, but the smoke free act. (It's just more fun to say smoking ban.) We heard from a number of constituents. Ms. Kielty noted that there were nine who spoke in opposition and nine in favor of the ordinance. Mr. Svoboda added that the majority of the opposition were those restaurants -mostly bars. A good share of those in favor were Associations such as the Heart Association, Lung Association, etc. But, it was a good meeting.

Mr. Svoboda reported that the Board had also passed several amendments that will go into the draft on this legislation. That will come before the Board of Health next month. It will more than likely then, be passed on to this body [City Council] sometime towards the later part of next month.

Some of the amendments related to outdoor environments, such as sidewalk cafes and beer gardens. Those would now be exempted from the ordinance, primarily because there is no data that backs up the fact that when you're outside, you still take in second-hand smoke - or at least at the rate that is done in an enclosed structure. Retail tobacco stores were also exempted, as were private businesses that have a business within their home. Mr. Svoboda noted that it just clearly defines some of the misunderstanding between "profits" and "non-profits" as well as signage issues and other "housekeeping" issues.

Mr. Svoboda felt it had been a good meeting and a good public hearing. A lot of people present did not speak, but had signed petitions. The Board will vote on it next month. Ms. McRoy asked if just private businesses from homes would be exempted. Mr. Svoboda stated that is correct - a home based business. There has been a lot of discussion (not at this particular meeting, but at others), regarding such instances as an individual who has a cleaning lady that comes into the house. They are, in fact an employer. Does that mean that you can't smoke in your own house under that circumstance? Yes - you can. That is why we're exempting the residential home.

Mr. Werner asked if this would include non-profits? Mr. Svoboda stated that it would. Mr. Werner stated that he had one request. If this is brought before the Council, it would be nice to do it in such a way that we vote on it before Thanksgiving, so it is not carried over beyond Thanksgiving. Mr. Svoboda stated that the next Board of Health meeting is the 14th of October, so we'll have action that evening...then from whatever the normal process is from the Board of Health to this body is how it would go.

It was asked when the ordinance would go into effect? Ms. Kielty stated that they hadn't changed what the normal procedure would be, so it would be 15 days after passage by Council. Mr. Cook noted that it didn't apply to motels or hotels, or anything like that. Mr.

Svoboda stated that it does. Mr. Cook asked if it applied to individual rooms? Mr. Svoboda answered that it does. The hotel/motel establishment must maintain an 80% smoke-free occupancy. The 20% smoking occupancy rooms have to be maintained permanently as smoking occupancy rooms - they can't be rotated. The establishment can opt out of maintaining any smoking occupancy. This is just the legal minimum.

Ms. Newman noted that she had asked Mr. Bruce Dart to speak at her next monthly meeting on Thursday, October 16th to discuss what the Health Department is doing - probably smoke-free issues will be mentioned. Ms. Newman invited Mr. Svoboda to attend as well, if he would like to. She noted that the meeting would be held at 5:30 p.m. at the Anderson Library.

OTHER MEETINGS - Mr. Friendt reported that the Affordable Housing Steering Committee met on Monday and they didn't have a great turn-out for the early morning meeting, so they're having an additional meeting on October 1st. They now have it to where they're going to have the Steering Committee members all prioritize the issues that they would identify as the focus and the scope of the group. They want to focus on the top three or four priorities. Ms. Newman noted that the Council Members had all received a list of all those - which was very interesting. Mr. Friendt stated that if Council Members would like to identify themselves, and have some input into that, they would all be welcome to participate. Ms. McRoy stated that they all had received invitations to the next meeting.

III. APPOINTMENTS/REAPPOINTMENTS - None

IV. REQUESTS OF COUNCIL FROM MAYOR - Mr. Bowen noted that last week, he had mentioned that they were trying to put together a briefing - a list of pre-council schedules. This is what we're looking at for October. The first thing on there is apartment inspections - this has been scheduled for October 6th. Ms. Harrell noted that the upshot of some meetings that were held last week is that there are some new ideas on the table and discussions are continuing, so she thought that should be put off again. She stated that it's not soup yet. She thought it would more than likely be the end of the month before it was ready. Ms. Newman asked if REOMA had taken a stand? Ms. Harrell answered that they are still coming up with some ideas. She stated that Mike had said it was a good meeting. Both sides that she had talked to said it had been a good meeting, with new ideas being brought forward for review. She felt the end of October would be a realistic time-frame for a pre-council on the issue.

Mr. Bowen continued, stating that also on the 6th, would be the Flood Plain Regulations for the new growth areas pre-council.

On the 13th of October, there will be briefings on Golf Programs - the status of things. That would be done in groups of 2-3 members rather than a pre-council. Mr. Camp noted that this wouldn't be a pre-council and what was being reviewed was a pre-council list. Mr. Bowen stated that it is a combination. He had noted the term "potential briefings". Ms. McRoy stated that she would prefer to have a pre-council instead of individual groups. That is what Monday mornings are for. She didn't want to have a briefing at three o'clock on Wednesday. Mr. Bowen stated that it would be in that same time slot rather than having a pre-council at that time, we'd just schedule briefings that morning...up 'til eleven o'clock. Mr. Camp asked if there is a reason we can't do it as a total group - or are these confidential? Mr. Bowen answered that you don't have to probe the departments that much. He stated that they're not quite ready for a pre-council, and are trying to get some ideas

before they come to pre-council so they can be a little bit prepared for what you might deal with and what you want to see in a pre-council. So, they're acting one step ahead.

Mr. Bowen stated that if Council would prefer not to do this, it could all be done under pre-council - he could tell the Departments that the briefings are off. You can just expect to hear everything in the pre-council and deal with it there. He added that the departments are trying to get a feel from Council to see if there are things they can prepare better for presentation.

Ms. McRoy felt the issues should be addressed at pre-councils. She stated that there are things that should be brought to the table in an open manner. We're all getting the same briefing in the groups of two or three. She didn't see why Council should be split into groups of two or three. Meeting as a whole they could interact & discuss more effectively. Mr. Bowen asked if that was the consensus of the Council? Mr. Camp noted that that is what is being said.

Mr. Bowen said then, they have one pre-council with Parks on Open Space. This would potentially take a direct [inaudible].

On the 20th, if we're holding to two pre-councils per Monday, the Police/Fire Trust Board would come forward. Mr. Bowen noted that Council has had some conversations with them, and they have a draft to present. Mr. Friendt stated that that has been mentioned. He didn't want it to be mysterious. It was one of those things that was addressed with both unions during the Mayor's Campaign. Mr. Friendt had at that time indicated that he would follow-up and he has been. He had basically taken the legislation that had been drafted -perhaps the second draft- and had three different outside experts review it and provide feed-back. He stated that he and Ken had then met with Mark Munger and Ed Sheridan and some big guy from the SWAT Team. They provided their input and then Mr. Friendt had met with Don and Jon and some others - just with the idea that he had wanted to get to a point where he could use some of his own background in this to be able to bring something forward, or at least see a draft that he could say would address some of these issues...but would also provide the necessary protection for the City - which is the entity that is basically libel. The taxpayers are libel in the delivery of the benefits that the negotiations have agreed to. It was asked if Mr. Friendt thought we were 'there' with the current draft. He answered that he did think so. His next step - and again, he would like to see this be a consensus process vs. a conflicting process since there had been some heat in the past over this deal, would be to take the current draft back to a meeting with the unions and Personnel together and see where we're at. He felt we were close.

Mr. Bowen continued, noting that the 20th was preferred because, in talking to Mark Munger, Mr. Munger had said that would be a date when he would be in town, but he would not be in town the 13th and he didn't know if he would be in town on the 6th. So, Mr. Bowen had tried to pick a date when both the union presidents would be in town.

At the bottom of the list there are two other things noted. This would be the Fire Leasing Equipment that has been on the table a couple of different times. No date was scheduled because that would have been the last Monday of the Month and usually there are no pre-council on the last Monday with the night meeting.

Mr. Cook asked why we needed a pre-council on the fire equipment lease/purchase? The first time it made sense, but if it's become a more common-place thing, can't we just get a memo that explains all the issues? Mr. Camp stated that with the Capital Improvement Fund, millions of dollars in equipment should be discussed. Mr. Cook asked if Mr. Camp wanted this then? Mr. Camp noted that he was looking back at what Ken had proposed six or eight months ago that we have the review of the whole Fire Department System. Then, that got sidestepped with the Home Town Security Task Force which never really addressed the issues...in the aftermath of the Fire

Bond. So, before we buy equipment, we need to look at our Fire System. He didn't think that had been done.

Mr. Svoboda stated that this (the Fire/Lease Option) is really a pre-council that he could certainly like to have, as it's being brought to the Council on an agenda item, but he didn't need to have a pre-council on it months and months in advance. He asked when the next lease/purchase agreement was to be on the Agenda? Mr. Bowen stated that they had put it off last year. So, they haven't purchased replacement equipment for more than a year.

Mr. Camp noted that this is a whole change in strategy, because in the past it was kind of budgeted for one piece of equipment per year. Mr. Bowen stated that since the last pre-council held on the lease/purchase when they came in and showed the status of things, there had been a number of questions about how it was done, why it was done at specific times and other issues. They've had some discussions -maybe a year ago- which Mr. Svoboda had been involved in. This has lingered as a follow-up on the pros/cons of lease/purchase. Are we ready to do something or not?

Mr. Svoboda noted that he still had concerns about governmental leasing. There is not the advantage for the government to be able to do it as there is for the private business sector to do it - and that is the tax consequences to leasing. As it relates to the leasing of equipment, unfortunately, it would be limiting the value of that in contract. You're limiting the value of that piece of equipment at the end of the term of the lease - even though there may be another eight years worth of use in it. That is one of the concerns that he had with governmental leasing. It forces the City, every four or five years -or at the end of the term of that lease- to get new equipment.

Mr. Friendt stated that there had been enough time in between the meetings that we ought to reduce the time of the pre-council. He noted that he could see a combination of memo and pre-council. The memo could outline the proposal. Is it the same proposal? Is there other equipment? Is it equipment just to equip current stations? Is there future growth equipment involved? So, if he could see that proposal, in advance, then he might say yes - we should have a pre-council. Mr. Bowen stated that then what they would do would be have the Fire Department locate the original proposal - update that and submit it to Council, then we'll decide if a pre-council is needed.

Mr. Bowen stated that he had skipped one Pre-Council which Mr. Werner had requested and that was on the LPED re-organization. He noted that LPED is working on that. He put it on the list and thought he would see if Jim Fram would be ready at this point. Mr. Werner stated that he was not sure....his idea had been that we're putting a lot of money into LPED and he thought we should have a little bit of a voice. So, he did not want the pre-council after everything is a done deal. He would like an update on where it's going and have an opportunity for input on where it goes. After all we did put that in the Comprehensive Plan. He knew that Jim had a copy of that amendment because Mr. Werner had sent it to him. He would like some discussion on that. Mr. Bowen stated that he would talk to LPED and see what would happen. The LPED meeting for this month was postponed....the Investors Meeting. Mr. Werner stated that the committee that is doing this is continuing to move along. He would be curious to know where they're at and which direction they're taking.

During a brief discussion, Council determined that after Mr. Werner had a meeting with Mr. Fram, the entire Council would like a pre-council on the restructuring and an update on LPED's processes before the processes are finalized.

Regarding the Clean-Air Act, Mr. Bowen asked if the Council would like to hear a pre-council immediately after the Health Board acts on the legislation - which would put it on the 20th?

Or would you prefer to wait until the day of the Night Meeting? If your goal is to try to get it done before Thanksgiving...he would suggest having it on the 20th. Mr. Svoboda stated that he did not

have a time restriction on the issue. He wanted it to take its time, he wanted it to flow through so that nobody has the ability to accuse Council of rushing it through - as we heard the other night, even though we'd been working on that issue for over a year. It was agreed to let it follow the normal process.

Mr. Bowen stated that the Health Department would probably prefer a week between it's action and the pre-council to prepare their presentation. That would put it closer to the 29th. Mr. Svoboda asked if Council wanted a pre-council on the issue. Mr. Cook stated that he wanted to see the final form of the legislation - he didn't want just a report. He wanted to give them time to draft it the way the Board wants it drafted. He wouldn't mind having a draft of the legislation more than a week ahead the normal amount of time - if it's available.

After an interminable discussion, it was decided to have a list of commonly asked questions plus the changes (amendments) that had been made last week at the Board. Mr. Svoboda stated that there would be opposition no matter what. It was determined that a pre-council would be useful. Council decided that the pre-council would be held on October 20th. It was agreed to have two sessions of public hearing - one on November 3rd and continued public hearing on the 17th of November (a night meeting - switched from November 24th).

V. MEETINGS/INVITATIONS - Noted Without Significant Comment

VI. MISCELLANEOUS -

1. Discussion of Superior Street sidewalk. (Requested by Ken Svoboda) Mr. Svoboda noted that this comes at a very inappropriate time since Harley had talked with both Annette and himself at a luncheon well over a month ago. Then, Harley donates a \$100,000.00 to the Sunken Gardens and now we're possibly looking at bringing forward a revision that would eliminate the sidewalk requirements on Superior Street. Honestly, he and Ms. McRoy did not know that Harley was making that donation. But, unfortunately, that occurred. Mr. Svoboda had requested that this be put on the agenda for discussion so we could get a little feed-back before....he didn't want to bring it forward if it was going to be shot down in a 5-2 vote.

Mr. Werner asked if we didn't have public hearing on this and Harley testified, and was very nice afterwards. Mr. Svoboda agreed. Ms. Newman asked where the sidewalk request was located. Mr. Svoboda stated that it was on Superior Street east of 48th Street on the south side of the road to approximately 56th Street.

Mr. Friendt noted that if it weren't just Harley's....if there were others where there was some question. Is it just a sidewalk to nowhere? Is it really that used? If you want to revisit the issue of some sidewalks that could be postponed....and that was one of them, he felt he could look at that. Providing an individual exemption, however.... Mr. Svoboda stated that this isn't just Harley's property. This is a stretch that includes probably at least three or four owners along that way. Harley only owns a short section of it. Mr. Cook asked if any of those owners showed up for the public hearing? Mr. Svoboda stated that he did not believe they did, but Council had received some written information from the individual that owns the little bit more industrial tract east of Harley.

Mr. Werner recalled that there had been one individual who testified against the waiver. Mr. Svoboda noted that we have until next spring, because everyone along the stretch has one year to comply. At the end of the year, the City would go in and do the sidewalk.

Mr. Svoboda stated that the waiver was one that could be considered because it is a

primarily industrial area. There is an eight foot wide bike path on the other side of the street. It will never be a continuous sidewalk all the way down the north side of Superior Street.

Mr. Werner thought that if somebody is disabled and working there, he did not favor bringing up the waiver again. Mr. Svoboda said that he had brought it up just because it is an industrial area and we have waived sidewalks in industrial areas before and nobody ever walks down that side of the street.

After further discussion, it was determined that Mr. Svoboda would bring this up again in January or February and we will revisit it at that point after we've looked at the entire package and see if there are any others on the list that would require re-visiting.

VII. COUNCIL MEMBERS -

JON CAMP - No Further Comments

JONATHAN COOK - Mr. Cook asked if all the Council Members were in agreement in letting the City Clerk approve raffle permits. Everyone agreed that it would be a good thing.

Mr. Cook reported on the five interviews for the receptionist position. One was chosen. It was a unanimous choice and was also the Personnel Department's highest rated individual. So, we'll see how that works. Mr. Werner asked if he/she has accepted the job. Mr. Cook stated that he had not heard. He noted that Kerry Eagan would be taking care of that. Mr. Svoboda asked when we could anticipate that person starting. Mr. Cook stated that in a few weeks - as soon as all the furniture is set up. We'll be moving forward then. He hoped it would not be more than two or three weeks before some one was in the position.

GLENN FRIENDT - Mr. Friendt stated that he would like to hold over Item #57 on the Formal Agenda -that was the Ornamental Lighting District- for one week additional public hearing and then vote. Mr. Cook asked if we wouldn't still have a public hearing on the 29th. Mr. Friendt indicated that that was correct - the public hearing would just be held open until the next week. Mr. Camp suggested that Mr. Friendt bring that up for a motion at the meeting today.

ANNETTE McROY - No Further Comments

PATTE NEWMAN - No Further Comments

KEN SVOBODA - No Further Comments

TERRY WERNER - No Further Comments

ANN HARRELL - No Further Comments

MARK BOWEN - No Further Comments

CORRI KIELTY - No Further Comments

DANA ROPER - No Further Comments

VIII. MEETING ADJOURNED - Approximately 1:18 p.m.

cm092203/jvr